

**Notwithstanding Ordinance for the
Installation and Operation of an Interim
Indoor Practice Facility at
621 W. Mehring Way in the
Central Business District**

Equitable Growth & Housing Committee
April 26, 2022



Queensgate

Downtown

PAUL BROWN STADIUM

EXISTING PRACTICE FACILITY

PROPOSED LOCATION

OHIO RIVER

OHIO RIVER



BAYMILLER ST

LINN ST

W 3RD ST

GEST ST

M G

HIGHWAY RAMP

INTERSTATE 75

JOHN ST

P R

INTERSTATE 71

PLUM ST

W 2ND ST

W PETE ROSE WY

W FREEDOM WY

Queensgate

GASAL

W MEHRING WY

MILLER ST

R F - M

BRENT SPENCE BRIDGE

INTERSTATE 71

INTERSTATE 75

175 EX WY

HIGHWAY RAMP

SMITH ST

151 HO

EXISTING PRACTICE FACILITY

WED M BERRY WY

CENTRAL AV

D D

P D

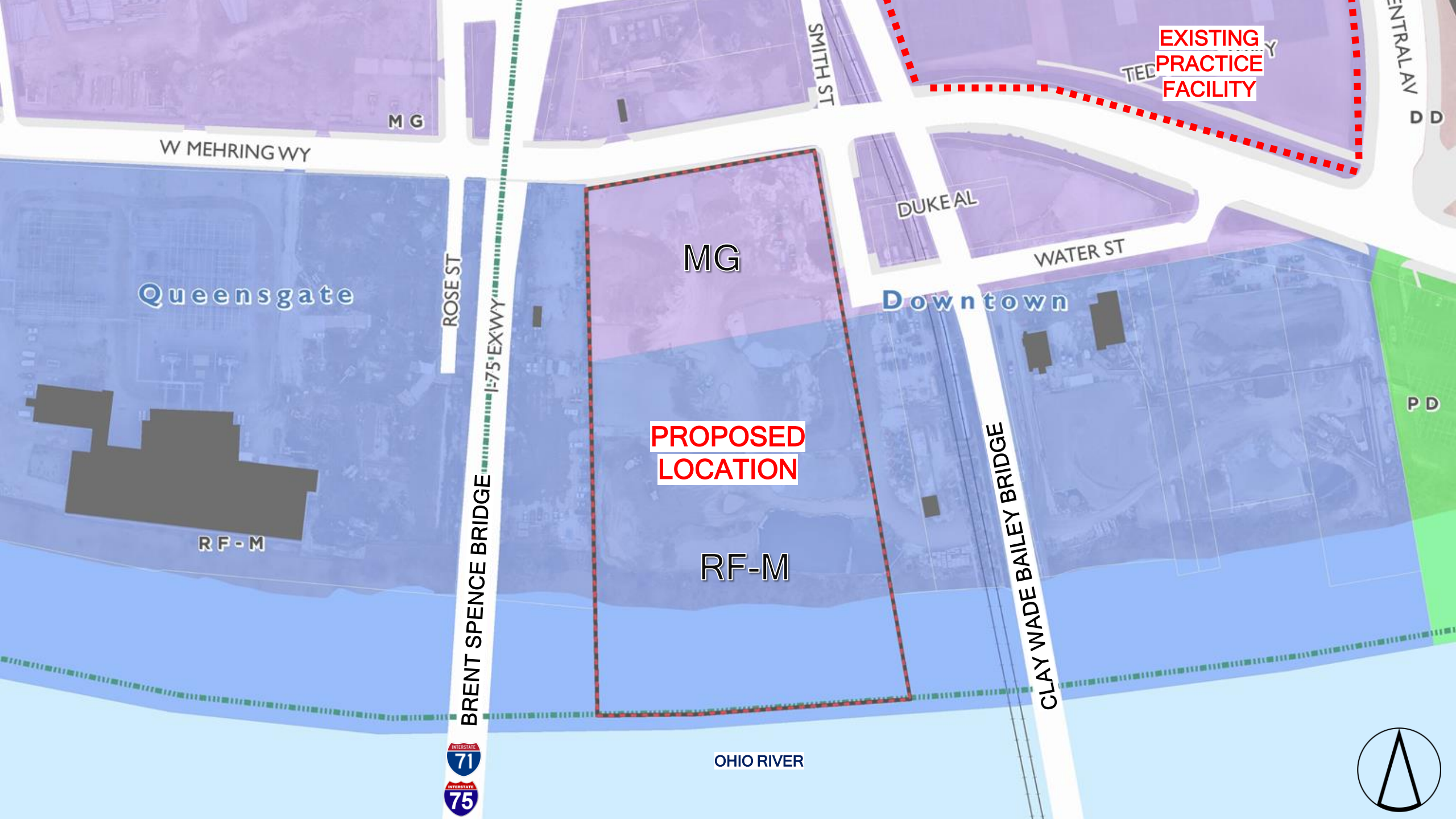
RAGE ST

DUKEAL

WATER ST

CLAY WADE BAILEY BRIDGE

MEHRING WY



EXISTING
PRACTICE
FACILITY

PROPOSED
LOCATION

Queensgate

Downtown

MG

RF-M

W MEHRING WY

ROSE ST

SMITH ST

DUKE AL

WATER ST

CENTRAL AV

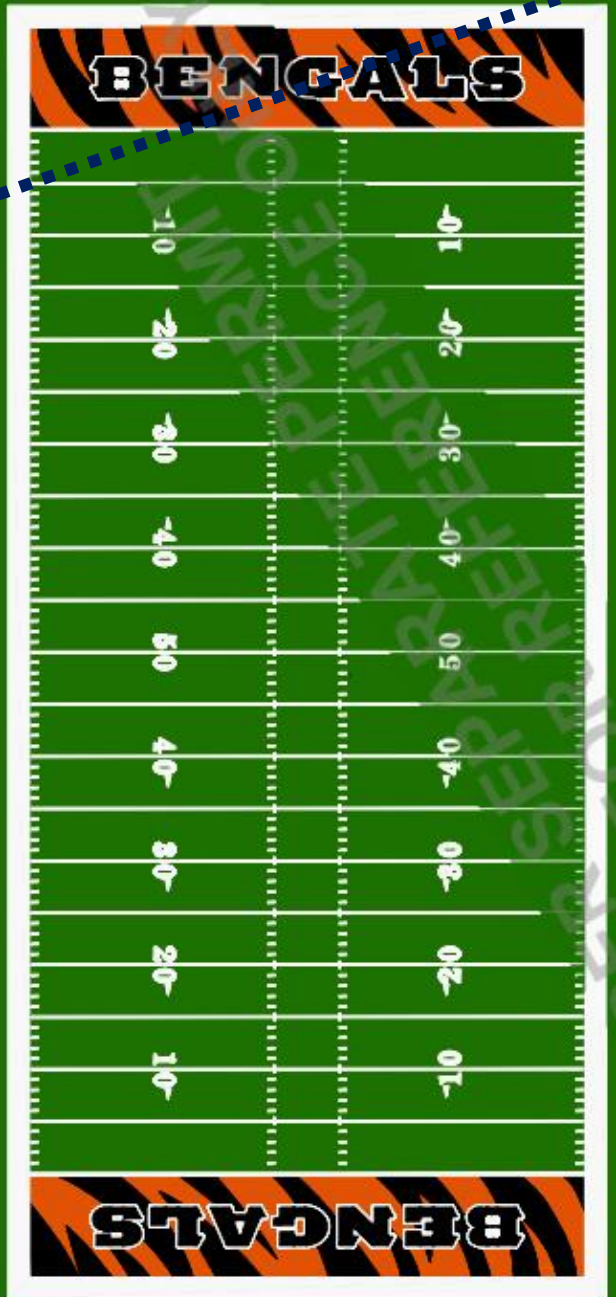
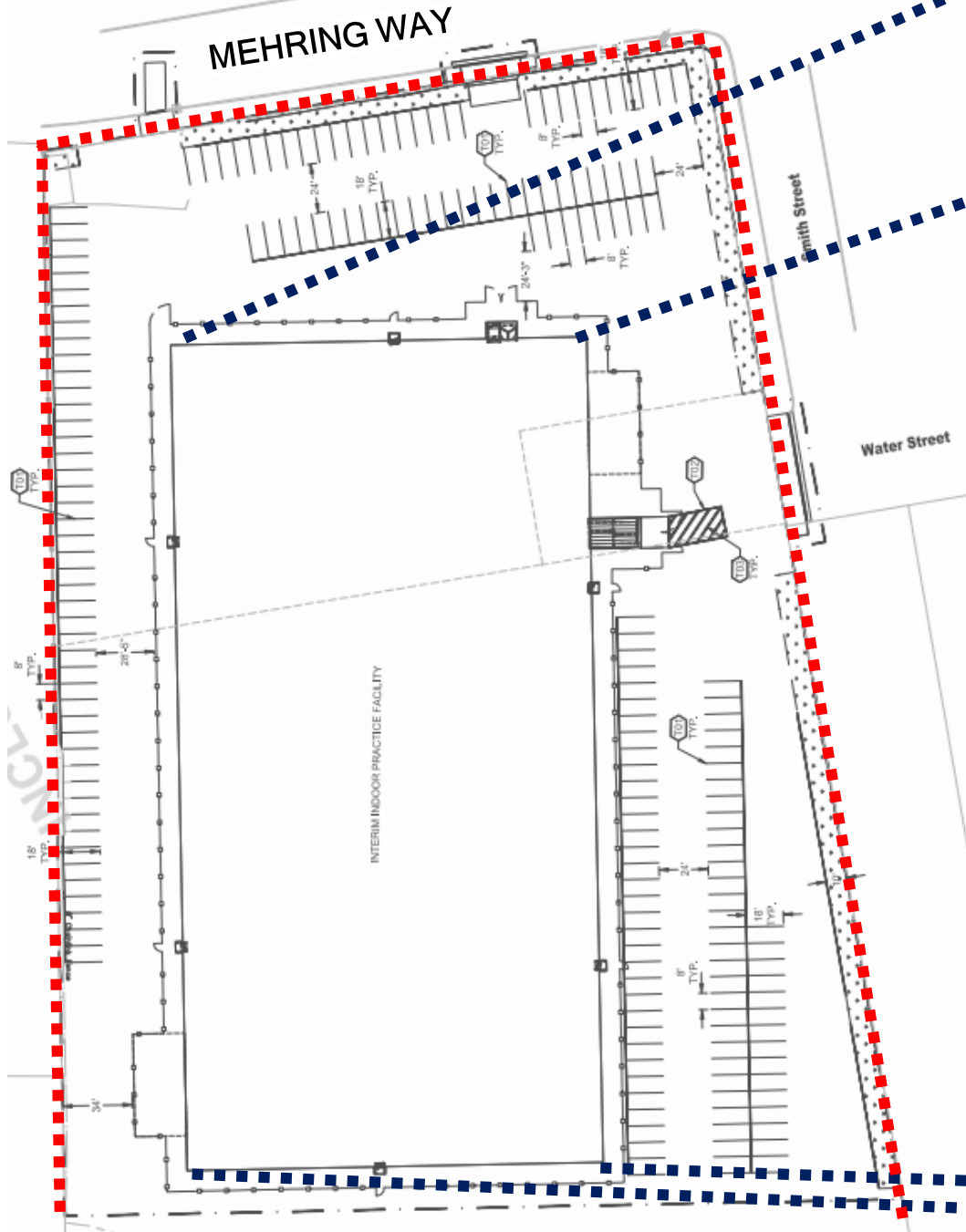
BRENT SPENCE BRIDGE

CLAY WADE BAILEY BRIDGE

OHIO RIVER







Proposed Notwithstanding Ordinance

Relief Requested (through NWO for):

USE

- Permit the usage of the interim facility within the RF-M zoning district (1415-05)

ZONING

- Variances for:
 - **Parking** (1425-19-A)
 - **Signage** (1427-39) - size, height, and amount
 - **Fence** (1421-33(b))
 - **Special Exceptions** (1425-29)

BUILDING

- Grant floodplain relief (1109-11(5)(b)(1-2))



Section 111-5 of the Cincinnati Municipal Code

The committee of council shall consider the following when making a recommendation to council:

- Whether the proposed application will not have an adverse effect on the character of the area or the public health, safety and welfare;
- Whether the proposed application is consistent with the purposes of this code and the zoning district where the subject property is located including but not limited to:
 - (see staff report for details)

Analysis

- Proposal is for an **interim facility** and applicant team will need to coordinate with appropriate City Departments when planning for a permanent facility
- **Consistent** with surrounding land uses (commercial and industrial)
- Located within the most **compatible development opportunity area**
- Facility is **similar to those** of other NFL Teams
- **Poses no adverse effects** to the surrounding area or to the public health, safety and welfare of the Central Business District and surrounding region
- Contributes to the **Cincinnati Bengals' future growth**
- Submitted detailed process of flooding (Flood Action Plan)

Consistency with *Plan Cincinnati* (2012)

Compete Initiative Area

Goal: “Foster a climate conducive to growth, investment, stability and opportunity.”

Strategy: “Grow our own” by focusing on retention, expansion and relocation of existing businesses.

Goal: “Become nationally and internationally recognized as a vibrant and unique city.”

Strategy: “Provide support to businesses that focus on our City’s historic heritage of...the arts and other cultural traditions.”

Conclusions

The **Notwithstanding Ordinance** will allow the Cincinnati Bengals to construct and operate this interim indoor practice facility and will:

- Permit the usage of the proposed interim facility within the RF-M zoning district
- Grant relief from floodplain regulations
- Grant Zoning Code relief
- Address any other requirements of the MG or RF-M zones that would preclude approval of the construction and operation of the interim facility

Recommendation

City Planning Commission recommends that City Council take the following action:

ADOPT the Department of City Planning and Engagement findings and conclusions based on the fact that it will not have an adverse effect on the character of the area or the public health, safety and welfare and is consistent with the purposes of the Cincinnati Municipal Code Section 111-5 and zoning district(s); and

APPROVE the Notwithstanding Ordinance permitting the installation and operation of an interim indoor practice facility 621 W. Mehring Way in the Central Business District **with the following conditions:**

Recommendation

- That the Property shall be developed substantially consistent with the plans attached hereto as Exhibits B-1 and B-2 and those on file with the Department of Buildings and Inspections under permit nos. 2022P02833 and 2022P02861 (“Plans”); and
- That the authorizations granted herein include permission to construct additional site improvements, including fencing up to **8 feet in height and lighting, that are substantially consistent with the Plans and incidental thereto, subject to the floodplain administrator’s determination** that the site improvements comply with the requirements of CMC Chapter 1109, “Flood Damage Reduction,” or are designed to provide an equivalent measure of safety that minimizes the potential for flood damages and threats to public safety during a flood event; and
- That the authorizations granted herein are **contingent upon the Team’s implementation of the flood action plan**, attached hereto as Exhibit C and incorporated herein by reference, which plan shall provide for reporting upon the City’s request following a base flood event and for coordination between the Team and the City on supplementary operational measures as are necessary to minimize the potential for flood damages and threats to public safety during a base flood event, and which plan shall not be modified without the prior written consent of the floodplain administrator; and

Recommendation

- That the interim indoor practice facility shall be operated as a participant-only facility and remain subject to any occupancy limitations established by the Ohio Building Code; and
- That the City Manager and the appropriate City officials may order the removal of the interim indoor practice facility and the restoration of the Property, at no cost to the City:
 - (i) upon finding that the Team has failed to **comply with one or more of the conditions** contained herein;
 - (ii) at any time **following fifth anniversary of the effective date** of this ordinance; or
 - (iii) upon the Team's **vacation of the Property or abandonment** of the interim indoor practice facility. For the avoidance of doubt, the interim indoor practice facility shall be deemed abandoned if the Team intentionally discontinues its use and occupancy of the facility for more than 365 consecutive days.
- That the Notwithstanding Ordinance be amended to include a recital that reflects the understanding between the City and the Team that the Team will accommodate the construction of the Ohio River Trail West/CROWN Queensgate Connection on the south side of Mehring Way when the need arises.